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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CLEMENT CHAN,  
  
Defendant.

No. CR 06-113 PJH  
  
STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER RE: DISCOVERY  
OF CHILD PORNOGRAPHY  
  
SAN FRANCISCO VENUE

With the agreement of the parties, and with the consent of the defendant, the Court enters the following order:

\_\_\_\_Defendant is charged with certain offenses pertaining to the transportation and possession of child pornography, in violation of 18 U.S.C. § 2252. The United States will produce to counsel for the defendant in this case discovery, including digital media, that contains images of child pornography. Pursuant to the child victim privacy provisions of 18 U.S.C. § 3509(d) and Federal Rule of Criminal Procedure 16, the United States requests that disclosure of these materials be subject to the following restrictions:

1. Except when being actively examined for the purpose of the preparation of the defense of

STIPULATION AND [PROPOSED] PROTECTIVE ORDER

defendant Clement Chan, the digital and/or paper media produced by the United States to defense counsel, Mr. Garrick Lew, shall be maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only to Mr. Lew, members of his trial preparation team working with him to prepare Mr. Chan's defense, and his investigator. Mr. Lew, members of his trial preparation team, and the investigator shall not permit any person access of any kind to the digital and/or paper media or information related to child victims except as set forth below.

2. The following individuals may examine the digital and/or paper media for the sole purpose of preparing the defense of defendant Clement Chan and for no other purpose:
  - a. Counsel for the defendant, Garrick Lew ;
  - b. Persons employed by the law office of Garrick Lew who are assisting with the preparation of Clement Chan's defense;
  - c. Defendant Clement Chan, but only in the presence of his attorney;
  - d. Any expert(s) retained on behalf of defendant Clement Chan to assist in the defense of this matter; and
  - e. Any investigator(s) retained on behalf of defendant Clement Chan to assist in the defense of this matter.
3. A copy of this order shall be maintained with the digital and/or paper media at all times.
4. All individuals other than Mr. Lew and Clement Chan who receive access to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy of this Order acknowledging that:
  - a. They have reviewed the Order;
  - b. They understand all its contents;
  - c. They agree that they will only access the digital media for the purposes of preparing a defense for defendant Clement Chan;
  - d. They will not make any copies of any image files within the digital media without further order of the Court;
  - e. They will not access the digital media from any computer that is connected to the

Internet or to any local network; and

f. They understand that failure to abide by this Order may result in sanctions by this Court and in state or federal criminal charges for possession or dissemination of child pornography.

Counsel for Clement Chan, Mr. Lew, shall promptly file signed copies of the Order, ex parte and under seal. The United States shall have no access to these signed copies without further order of the District Court.

5. No other person may be allowed to examine the material without further court order.

Examination of the digital and/or paper media shall be done in a secure environment which will not expose the materials to other individuals not listed above.

6. No copies of any image files contained in the digital and/or paper media may be made without further court order. The prohibition on copying includes (1) printing out images onto paper or film and (2) duplicating the images in any digital format. Non-image files such as word processing files, e-mails, and other text files may be duplicated to the extent necessary to prepare the defense of this matter.

7. The computer from which the digital media will be accessed shall not be connected to the Internet or to any other computer network.

8. Any pleadings that include or make reference to the above-described materials or their contents shall be filed under seal.

9. Within five court days of the judgment and sentencing hearing in this matter, all material provided to defense counsel pursuant to this Order, and all other authorized copies, if any, shall be returned to the United States. The United States shall destroy them. If defendant believes that he must maintain the material for any reasons related to appeal, defendant must seek authorization from the District Court within five days of the sentencing and judgment in this matter.

1 SO STIPULATED:

2  
3 KEVIN V. RYAN  
United States Attorney

4 Dated: 4/5/06

5 By: \_\_\_\_\_/s/\_\_\_\_\_  
SUSAN REED JERICH  
6 Assistant United States Attorney

7  
8 Dated: 4/5/06

9 \_\_\_\_\_/s/\_\_\_\_\_  
GARRICK LEW  
Attorney for Defendant

10  
11 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be  
12 restricted as set forth above.

13  
14 Dated: 4/7/06  
15 \_\_\_\_\_



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